

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 BARRY D. LADENDORF
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7811
5 Attorneys for Complainant

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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	NO. D-3877
Against:)	
REUBEN CASTILLO, M.D.)	<u>STIPULATION AND DECISION</u>
1904 Paseo La Paz)	
Pomona, California 91768)	[Gov. Code §11509]
Physician's and Surgeon's)	
Certificate No. C-41190)	
Respondent.)	

19 In the interests of a prompt and speedy settlement of
20 this matter, consistent with the public interest and the
21 responsibilities of the Division of Medical Quality, Medical
22 Board of California, Department of Consumer Affairs, State of
23 California, the parties submit this Stipulation to the Division
24 of Medical Quality of the Board of Medical Quality Assurance of
25 the State of California for its approval and adoption as the
26 final disposition of this matter.

27 The parties stipulate the following is true:

1 1. Accusation, No. D-3877, is currently pending
2 against Reuben Castillo, M.D., before the Division of Medical
3 Quality of the Board of Medical Quality Assurance.

4 2. Respondent is fully aware of the charges and
5 allegations contained in Accusation No. D-3877 on file with the
6 Board, and respondent has been fully advised with regards to his
7 rights in this matter.

8 3. Respondent is represented by Mark Levin, Esq., and
9 complainant, Kenneth J. Wagstaff, Executive Director of the Board
10 of Medical Quality Assurance, is represented by John K. Van De
11 Kamp, Attorney General of the State of California by
12 Barry D. Ladendorf, Deputy Attorney General.

13 4. Respondent is fully aware of the right to a hearing
14 on the charges and allegations contained in the Accusation, his
15 right to confront and cross examine witnesses who may testify
16 against him, his right to produce witnesses on his behalf or to
17 testify himself. Respondent understands his right to
18 reconsideration, appeal, and all other rights which are accorded
19 to him pursuant to California law.

20 5. Respondent fully and voluntarily waives the right
21 to a hearing, reconsideration, appeal, and any and all other
22 rights which are afforded to him by California law.

23 6. Respondent neither admits nor denies the
24 allegations of sexual misconduct as set forth in paragraphs 9 and
25 12 of the accusation.

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7. Respondent admits that each and every remaining allegation of the Accusation is true. Specifically, respondent admits that he is guilty of incompetence in violation of section 2234, subdivision (d) of the Medical Practice Act (incompetence) as alleged in paragraphs 8 and 14 of the accusation and that cause exists to impose discipline upon his license. This admission is made for the purpose of this Stipulation only, and it may not be used for any other purpose or in any other proceeding.

8. Respondent understands that by reason of the waivers and admissions set forth hereinabove, he is enabling the Division of Medical Quality to enter the following order from this stipulation without further process. Should the Division of Medical Quality not adopt this stipulation and order as its decision in this matter, the waivers and admissions between the parties shall have no force or effect.

18 ORDER

19 Physician's and Surgeon's Certificate No. C-41190 issued
20 to respondent Reuben Castillo, M.D., is revoked, provided,
21 however, that the revocation is stayed and respondent is placed
22 on probation for five years upon the following terms and
23 conditions:

24 CONDITIONS

25 1. Beginning the effective date of this decision,
26 Certificate No. C-41190, issued to respondent, Reuben Castillo,
27 M.D., is suspended for a period of 60 days.

1 2. Prior to completing the 60-day suspension referred
2 to in paragraph 1 above, respondent shall take and pass an
3 oral/clinical examination, in a subject that relates to the
4 charges set forth in Accusation No. D-3877, and administered by
5 the Division or its designee. The waiting period between repeat
6 oral/clinical examinations shall be at three month intervals
7 until success is achieved. The Division shall pay the cost of
8 the first examination and respondent shall pay the cost of any
9 subsequent re-examinations.

10 Respondent shall not resume the practice of medicine
11 following his suspension until he has passed the required
12 examination and has been so notified by the Division in writing.
13 Failure to pass the examination no later than 100 days prior to
14 the termination of probation shall constitute a violation of
15 probation.

16 3. Within 30 days of the effective date of this
17 decision, respondent shall undergo a psychiatric evaluation (and
18 psychological testing, if deemed necessary) by a Division
19 appointed psychiatrist who shall furnish a psychiatric report to
20 the Division or its designee.

21 If respondent is required to undergo psychiatric
22 treatment, respondent shall within 30 days of the requirement
23 notice submit to the Division or its designee for its approval
24 the name of a psychiatrist or psychologist (therapist) of
25 respondent's choice. Upon approval of the treating therapist,
26 respondent shall undergo and continue psychiatric treatment until
27 further notice from the Division. Respondent shall have the

1 treating therapist submit quarterly status reports to the
2 Division. Respondent shall not engage in the practice of
3 medicine until notified by the Division of its determination that
4 respondent is mentally fit to practice safely.

5 4. Within 30 days of the effective date of this
6 decision, respondent shall submit to the Division for its prior
7 approval a plan of practice in which respondent's practice shall
8 be monitored by another physician in respondent's field of
9 practice, who shall provide periodic reports as may be required
10 by the Division.

11 If the monitor resigns or is no longer available,
12 respondent shall within 15 days, move to have a new monitor
13 appointed, through nomination by respondent and approval by the
14 Division.

15 5. Within 90 days of the effective date of this
16 decision, and on an annual basis thereafter, respondent shall
17 submit to the Division for its prior approval an educational
18 program which shall not be less than 40-hours per year, for each
19 year of probation. This program shall be in addition to the
20 Continuing Medical Education requirements for re-licensure.
21 Following the completion of each course, the Division or its
22 designee may administer an examination to test respondent's
23 knowledge of the course. Respondent shall provide proof of
24 attendance for 65 hours of continuing medical education of which
25 40 hours were in satisfaction of this condition and were approved
26 in advance by the Division.

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1 6. During probation, respondent shall have a
2 third party present while examining or treating female patients.

3 7. Respondent shall obey all federal, state and
4 local laws, and all rules governing the practice of medicine in
5 the State of California.

6 8. Respondent shall submit quarterly declarations
7 under penalty of perjury on forms provided by the Division,
8 stating whether there has been compliance with all the conditions
9 of probation.

10 9. Respondent shall comply with the Division's
11 probation surveillance program.

12 10. Respondent shall appear in person for
13 interviews with the Division's medical consultant upon request at
14 various intervals and with reasonable notice.

15 11. The period of probation shall not run during
16 the time respondent is residing or practicing outside the
17 jurisdiction of California. If, during probation, respondent
18 moves out of the jurisdiction of California to reside or practice
19 elsewhere, respondent is required to immediately notify the
20 Division in writing of the date of departure, and the date of
21 return, if any.

22 12. Upon successful completion of probation,
23 respondent's certificate will be fully restored.

24 13. If respondent violates probation in any
25 respect, the Division, after giving respondent notice and the
26 opportunity to be heard, may revoke probation and carry out the
27 disciplinary order that was stayed. If an accusation or petition

1 to revoke probation is filed against respondent during probation,
2 the Division shall have continuing jurisdiction until the matter
3 is final, and the period of probation shall be extended until the
4 matter is final.

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6 I concur in the stipulation and order.

7 DATED: Feb 9, 1990

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9 JOHN K. VAN DE KAMP, Attorney General
of the State of California

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11 
12 BARRY D. LADENDORF
Deputy Attorney General

13 Attorneys for Complainant

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15 I concur in the stipulation and order.

16 DATED: Feb. 5, 1990

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19 MARK LEVIN, Esq.

20 Attorney for Respondent

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23 I have read the above stipulation fully and have
24 discussed it with my counsel. I understand that by its terms I
25 will be waiving certain rights accorded me under California law.
26 I also understand that by its terms the Board of Medical Quality
27 Assurance will issue a decision and order on this stipulation

1 whereby my license to practice medicine will be subject to
2 certain terms and conditions. I agree to the above stipulation
3 for settlement.

4 DATED: 2-5-90


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8 REUBEN CASTILLO, M.D.
9 Respondent

10 DECISION

11 The attached Stipulation and Decision is hereby adopted
12 by the Division of Medical Quality, Medical Board of California,
13 Department of Consumer Affairs, State of California, as its
14 Decision in the above-entitled matter.

15 This Decision shall become effective on the 6th day of
16 June, 1990.

17 IT IS SO ORDERED this 7th day of May,
18 1990.

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21 Division of Medical Quality
22 Medical Board of California
23 Department of Consumer Affairs
24 State of California
25 THERESA CLAASSEN
26 Secretary/Treasurer
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BDL:sg

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BEFORE THE

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DIVISION OF MEDICAL QUALITY

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BOARD OF MEDICAL QUALITY ASSURANCE

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DEPARTMENT OF CONSUMER AFFAIRS

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STATE OF CALIFORNIA

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In the Matter of the Accusation
Against:

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NO. D-3877

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REUBEN CASTILLO, M.D.
1904 Paseo La Paz
Pomona, California 91768

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ACCUSATION

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Physician's and Surgeon's
Certificate No. C-41190

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Respondent.

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COMES NOW Complainant Kenneth Wagstaff, who as cause

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for disciplinary action, alleges:

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1. Complainant is the Executive Director of the

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California State Division of Medical Quality (hereinafter the

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"Division") of the Board of Medical Quality Assurance and makes

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and files this accusation solely in his official capacity.

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LICENSE STATUS

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2. On or about November 14, 1988, Physician's and

1 Surgeon's Certificate No. C-41190 was issued by the Division to
2 Reuben Castillo, M.D. (hereinafter "respondent"), and at all
3 times relevant herein, said license was, and currently is, in
4 full force and effect.

5 STATUTES

6 3. This accusation is made in reference to the
7 following statutes of the California Business and Professions
8 Code (hereinafter "Code"):

9 A. Section 2220 provides in pertinent part the
10 Division of Medical Quality (Division) may take action
11 against all persons guilty of violating the provisions of
12 the Medical Practice Act.

13 B. Section 2227 provides that the Board may revoke,
14 suspend for a period not to exceed one year, or place on
15 probation, the license of any licensee who has been found
16 guilty under the Medical Practice Act.

17 C. Section 2234 provides in pertinent part: "The
18 Division of Medical Quality shall take action against any
19 licensee who is charged with unprofessional conduct. . . .
20 [U]nprofessional conduct includes, but is not limited to,
21 the following:

22 "(d) Incompetence.

23 D. Section 726 provides in pertinent part that:

24 "The commission of any act of sexual abuse,
25 misconduct, or relations with a patient, . . .
26 substantially related to the qualifications, functions,
27 or duties of [a physician] . . . constitutes

unprofessional conduct and grounds for disciplinary
action"

CHARGES AND ALLEGATIONS

Patient - V.L.

5. At all times hereinmentioned, V.L. was a female
patient of respondent. V.L. saw respondent on June 23, 1986,
with complaints of fever, diarrhea and abdominal cramps.
Respondent diagnosed her as having gastroenteritis and pneumonia.
Respondent treated her with antitussive, Lomotil and
antibiotics.

Respondent saw V.L. for follow-up visits on June 24,
June 26, July 1 and July 11, 1986.

6. Respondent next saw V.L. on August 6, 1986, for
pharyngitis. That was followed by a visit on November 7, 1986,
for abdominal cramps. Respondent diagnosed gastroentroritis and
treated her with Lomotil.

7. Respondent next saw V.L. on March 23, 1987, for a
urinary tract infection and on April 13, 1987, for a urinary
tract infection and presumed pelvic inflammatory disease.

8. Respondent's overall management of patient V.L.'s
case demonstrates incompetence in violation of section 2234,
subdivision (d) by reason of, but not limited to, the following:

A. Laboratory studies obtained on June 23, 1986,
indicate an abnormal urinalysis, abnormal thyroid
functions, and abnormal serum iron level. The medical
records do not indicate that these abnormal findings
were addressed by respondent.

1 B. Kelflex was added to Erythromizin for treatment of
2 the patient's presumed pneumonitis without a medical
3 indication for such medication.

4 C. Poor documentation of physical examinations
5 conducted on March 23, 1987, and April 23, 1987.

6 D. No medical indication for Monistat.

7 E. The vaginal culture taken on March 23, 1987, to
8 attempt to diagnose a pelvic inflammatory infection is
9 not considered an accurate or appropriate test to
10 diagnose infections of the female reproductive tract.
11 As a result, respondent is subject to disciplinary
12 action.

13 9. Respondent engaged in acts of sexual abuse,
14 misconduct or relations with patient V.L. in violation of section
15 726 by reason of the following:

16 During the physical examinations conducted by
17 respondent of patient V.L. on June 23, June 26, July 1 and July
18 11, November 7, 1986, and again on April 13, 1987, respondent
19 fondled the breasts of V.L., manipulated her genitalia and hugged
20 and kissed her. Said conduct was not part of a usual and
21 customary physical examination.

22 As a result, respondent is subject to disciplinary
23 action.

24 Patient - L.R.

25 10. At all times herein mentioned, L.R. was a female
26 patient of respondent.

27 11. Respondent saw L.R. twice, for removal of an

1 I.U.D. on August 13, 1986, and second for an apparent acute upper
2 respiratory tract infection and pharyngitis on August 25, 1986.

3 12. Respondent engaged in acts of sexual abuse,
4 misconduct, and relations with a patient L.R. in violation of
5 section 726 by reasons of the following:

6 During the physical examination of August 25, 1986,
7 respondent fondled the breast and placed his hands on the genital
8 area of patient L.R., which acts were not part of a usual and
9 customary physical examination.

10 As a result, respondent is subject to disciplinary
11 action.

12 Patient - J.M.

13 13. J.M. was seen by respondent on August 1, 1986,
14 with a complaint of a painful left shoulder. Respondent
15 diagnosed the condition as bursitis and treated the patient with
16 an injection of ACTH and lidocaine.

17 14. Respondent's overall management of this case
18 demonstrates incompetence in violation of section 2234,
19 subdivision (d) by reason of, but not limited to the following:

20 Prior to injecting the left shoulder with ACTH plus
21 lidocaine, respondent failed to conduct an examination of the
22 left shoulder. The medical records for patient J.M. have no
23 documentation of limitation in range of motion, structural
24 deformity, or neurological abnormalities. Further, the use of
25 ACTH with lidocaine is not appropriate for treatment in this
26 case.

27 As a result, respondent is subject to disciplinary

1 action.

2 WHEREFORE, complainant requests that a hearing be held
3 on the matters alleged herein, and that following said hearing,
4 the Division issue a decision:

5 1. Revoking or suspending Physician's and Surgeon's
6 Certificate Number C-41190, heretofore issued to respondent
7 Reuben Castillo, M.D.;

8 2. Taking such other and further action as the
9 Division deems necessary to protect the health and safety of
10 the public.

11 DATED: November 28, 1988

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19 BDL:sg

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Kenneth Wagstaff
Executive Director
Division of Medical Quality
Board of Medical Quality Assurance
Department of Consumer Affairs
State of California

Complainant